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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	Mail Stop PETITIONS
HAUER et al.)	Confirmation No.: 6324
Serial No.10/031,241)	Examiner: PAK
Filing or 371(c) Date: January 17, 2002)	Art Unit: 1652

For: ELECTRON DONOR SYSTEM FOR ENZYMES AND ITS USE IN THE
BIOCHEMICAL CONVERSION OF SUBSTRATES

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Typed or printed name of person signing this certificate: Jason D. Voight

Signature: Jason D. Voight

Honorable Commissioner for Patents
Alexandria, Virginia 22313-1450

RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT

In response to the Decision of August 2, 2005, applicants renew their request for withdrawal of the holding of abandonment

Initially, applicants acknowledge that the Office action in question was dated June 3, 2004 and not June 30, 2004. It was the Patent Office in the Notice of Abandonment that indicated the date as "30 June 2004", not applicants.

In the Decision, the Office argues that "applicants Brief on Appeal was due no later than seven months from the Office action mailed June 3, 2004." Applicants respectfully urge that this statement is incorrect. Rather, a Notice of Appeal is due within six months from the date of the final Office action. 37 CFR 1.134 and 1.136(a). Then, a Brief on Appeal is due seven months

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HAUER et al., Ser. No. 10/031,241

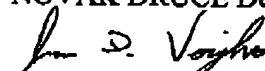
from the date of receipt of the Notice of Appeal. 37 CFR 1.192(a) and 1.136(a); see also MPEP 1206 ("time periods [under 37 CFR 1.192(a)] may be extended under 37 CFR 1.136(a)").

As previously stated, applicants filed a Notice of Appeal which was received by the Office on October 25, 2004. Applicants then filed Brief on Appeal on January 25, 2005 (certificate of mailing) which was received by the Office on January 28, 2005. Clearly, the filing of these papers was timely, and the holding of abandonment was erroneous.

Accordingly, this Petition should be granted.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 14.1437. Please credit any excess fees to such account.

Respectfully submitted,
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